

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ABDUL BASIT JAHANGIR,

Petitioner,

v.

WARDEN,

Respondent.

No. 1:23-cv-00219-HBK (HC)

ORDER REQUIRING PETITIONER TO
SUBMIT SIGNED DECLARATION

TWENTY-ONE DAY DEADLINE

On January 5, 2023, Petitioner filed a petition for writ of habeas corpus in the Northern District of California. (Doc. No. 1, “Petition”). On February 14, 2023, the Northern District transferred the Petition to this Court. (Doc. No. 5). Upon review, the Court notes the Petition is unsigned. (*Id.* at 5). The Court will grant Petitioner an opportunity to cure this deficiency.

Rule 11 requires all pleadings, written motions, and other papers be signed by at least one attorney of record or by a party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Petitioner’s failure to sign the Petition also violates Local Rule 131 (b), which requires among other things that “[a]ll pleadings ... shall be signed by the individual attorney for the party presenting them, or by the party involved if that party is appearing in *propria persona*.” L.R. 131(b). In addition, Rule 2 of the Rules Governing Section 2254 Cases requires a petition for writ of habeas corpus to “be signed under penalty of perjury by the petitioner.”

In order to provide Petitioner with the benefit of his filing date for AEDPA purposes, the

1 Court will permit Petitioner to submit a “Notice to the Court” confirming that he submitted the
2 instant petition to the Court and sign the Notice under penalty of perjury as opposed to striking
3 the Petition and requiring Petitioner to refile it. The Notice must be dated and contain
4 Petitioner’s signature. Petitioner shall have twenty-one (21) days from the date of service of this
5 Order to comply with the Court’s directive. The Court will not screen the Petition until Petitioner
6 files the Notice.

7 Accordingly, it is **ORDERED**:

8 1. Within **twenty-one days (21)** from the date of service of this Order, Petitioner
9 shall file a “Notice to the Court” attesting that he submitted the Petition to the Court and must
10 sign and date the Notice under penalty of perjury.

11 2. Failure to timely comply with this Order will result in the Court striking the
12 Petition from the docket.

13
14 Dated: March 15, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE